

Message Text

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PAGE 01 STATE 197804
ORIGIN L-03

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C O N F I D E N T I A L STATE 197804

E.O. 11652: GDS

TAGS: PBOR, PN

SUBJECT: TREATY NEGOTIATIONS: TREATY DRAFTS

REF: PANAMA 5821

1. FOLLOWING ARE OUR COMMENTS TO PARAGRAPHS 1 AND 2 OF
REFTEL. PARAGRAPH 3 REFTEL, CONCERNING ECONOMIC ARRANGE-
MENTS AND SERVICES PAYMENTS, WILL BE REPLIED TO BY SEPTTEL.

2. MOVEMENT, LICENSES, REGISTRATION OF VESSELS, AIRCRAFT
AND VEHICLES (U.S. IMPLEMENTING AGREEMENT ARTICLE XVII):

(A) YOU SHOULD MODIFY INSERT FOR PARAGRAPH 1, LINE 6 TO
READ: "EXCEPT FOR REIMBURSEMENT FOR SPECIFIC SERVICES
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REQUESTED AND RECEIVED." A LESS DESIRABLE ALTERNATIVE
FOR "SPECIFIC" WOULD BE "SPECIAL." EXPLANATION: RECENT
EXPERIENCE WITH OTHER COUNTRIES DEMONSTRATES THAT GENERAL
EXCEPTION FOR SERVICES RENDERED RESULTS IN CHARGES FOR
RECOVERY OF OPERATION AND MAINTENANCE COSTS, ON GROUNDS
THAT OPERATION AND AVAILABILITY OF A FACILITY CONSTITUTES
A SERVICE.

(B) ALL OTHER CHANGES PROPOSED FOR THIS ARTICLE ARE ACCEPTABLE.

3. TAXATION (U.S. IMPLEMENTING AGREEMENT ARTICLE XVII):

(A) REVISE INSERTION IN PARA 1 TO READ: "ITS CONTRACTORS AND SUBCONTRACTORS", IN ORDER TO INSURE INCLUSIVE COVERAGE.

(B) OTHER CHANGES ARE ACCEPTABLE.

4. LICENSING AND OTHER LAND USES (U.S. IMPLEMENTING AGREEMENT ARTICLE V). CHANGES ARE ACCEPTABLE.

5. SURVEYS (U.S. IMPLEMENTING AGREEMENT ARTICLE XX). FOR CLARITY, IT WOULD BE HELPFUL TO SAY "ALAJUELA (MADDEN)", SINCE EXISTING CHARTS ALL USE ONLY "MADDEN." WE WOULD NOT INSIST, HOWEVER. OTHER CHANGES ARE ACCEPTABLE.

6. DURATION (U.S. IMPLEMENTING AGREEMENT ARTICLE XXIII). CHANGES ARE ACCEPTABLE.

7. IMPORT DUTIES (U.S. IMPLEMENTING AGREEMENT ARTICLE XIX).

(A) CHANGE IN PARAGRAPH 1 IS ACCEPTABLE.
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(B) PROPOSED DELETIONS IN SUBPARAGRAPH 3(A) AND 3(B) POSE PROBLEMS. OUR RECORDS INDICATE ORIGINAL U.S. DRAFT LANGUAGE WAS APPROVED BY CHIEF NEGOTIATORS IN WASHINGTON. MOREOVER, DELETED PORTIONS ARE REASONABLE AND AGREED SOFA PROVISIONS, WHICH DO NOT CONSTITUTE SUBSTANTIAL PANAMANIAN CONCESSIONS. WE COULD NOT ACCEPT ANY SUCH CHANGES IN SOFA, IF PANAMA SHOULD LATER SEEK TO CONFORM THAT DOCUMENT TO THIS TEXT. REQUEST YOU REINSERT ORIGINAL U.S. TEXT, OR ADVISE US AS TO REASONS WHY YOU REGARD IT AS NECESSARY TO RETAIN THESE MODIFICATIONS. (WE RECOGNIZE THAT, WITH RESPECT TO SOME CHANGES YOU HAVE CABLED TO US, PERHAPS INCLUDING THESE, OUR RECORDS ARE NOT FULLY COMPREHENSIVE AS TO EVENTS TRANSPIRING IN PANAMA.)

(C) DELETION IN PARAGRAPH 6 IS ACCEPTABLE.

(D) FOR ACCURACY, ANTEPENULTIMATE AND PENULTIMATE WORDS OF EACH SENTENCE IN PARAGRAPH 7 SHOULD BE "AND OTHER."

8. COORDINATING COMMITTEE (U.S. IMPLEMENTING AGREEMENT ARTICLE III). CHANGE IS ACCEPTABLE.

9. GENERAL PROVISIONS (U.S. IMPLEMENTING AGREEMENT ARTICLE XXII).

(A) DELETION IN FIRST SENTENCE PARAGRAPH 1 IS ACCEPTABLE.

(B) RELOCATION TO LAND USE ARTICLE OF PROVISIONS FOR ARMING OF WATCHMEN IS ACCEPTABLE. YOUR QUESTION RAISED IN PARAGRAPH 2(B) REFTEL CONCERNING "SMALL ARMS" WILL BE COVERED IN SEPTTEL WITH OUR COMMENTS TO PANAMA 5857, PARAGRAPH 3(E). VANCE

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